

REMARKS

The Office Action mailed August 12, 2003 has been received and the Examiner's comments carefully reviewed. Claims 22, 30, 33 and 35 have been cancelled without prejudice or disclaimer. Claims 21, 29 and 32 have been amended to include features of claims 22, 30 and 33 respectively. Applicants respectfully submit that the pending claims are in condition for allowance.

Claim Rejections - 35 USC § 102

In the Office Action, claims 21-24, 28, 29, 32 and 35 have been rejected under 35 U.S.C. 102(e) as being anticipated by Koike (US 6,134,055). The Examiner also rejected claims 21-24, 29, 32 and 35 under 35 U.S.C. 102(e) as being anticipated by either Chung et al (US 5,870,369) or Yagi (US 5,808,999). Applicants respectfully traverse these rejections.

US 6,134,055 (Koike) discloses a method for making a lens surface by using surfaces that are shifted stepwise. Unlike the invention of claim 21, the profile disclosed in Koike is not a toric surface but a profile obtained by merely shifting aspheric surfaces in the optical axial direction. Furthermore, there are differences between the invention of claim 21 and the disclosure in Koike pertaining to the boundary between the respective regions shifted stepwise. Unlike the invention of claim 21, there is no disclosure in Koike showing a configuration of a surface that is in contact with the aspheric surface region located at the outermost part and intersecting the aspheric surface region including the optical axis as an axis of rotation. Thus, Koike fails to teach all of the elements set forth in claim 21.

US 5,870,369 (Chung) discloses a lens surface provided with portions having cross-sections of a notch type shape, a wedge shape, or a staircase shape. A surface shape obtained by rotating each of the above-mentioned cross-sectional shapes with an optical axis as an axis of rotation results in a conical surface. This is substantially different from a toric surface of claim 21, which is obtained by rotating a circular arc with an optical axis as an axis of rotation. Thus, Chung fails to teach all of the elements set forth in claim 21.

US 5,808,999 (Yagi) discloses a lens with a recess on the lens surface that creates a discontinuous portion of a spherical aberration to be arranged on the lens surface. In FIG. 3(A), the shape of such discontinuous portion to be arranged is not clear, but even if the shape was of a toric surface, it is not a toric surface that is in contact with the outer circumference region and intersecting the inner circumference region as required by claim 21. Furthermore, none of the embodiments illustrated in FIGS. 1, 2A, 4A, 5A or 8 show a toric surface as required by claim 21.

Therefore, none of the cited references Koike (US 6,134,055), Chung et al (US 5,870,369), or Yagi (US 5,808,999) teach all the elements set forth in claim 21, and for at least this reason claim 21 is believed to be patentable over these references.

Claims 22-24 and 28 are believed to be patentable for at least the same reason claim 21 is. Thus, the Examiner is respectfully requested to withdraw the rejection.

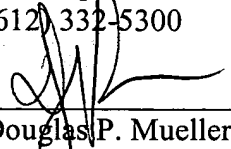
Claim 29 has been rewritten to include the limitation of claim 30. Claim 32 has been rewritten to include the limitation of claim 33. Claims 29 and 32 are believed to be in immediate condition for allowance. Thus, the Examiner is respectfully requested to withdraw the rejection.

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: November 12, 2003



Douglas P. Mueller
Reg. No. 30,300
DPM:AS:jt

